



# Senate

General Assembly

**File No. 405**

February Session, 2012

Substitute Senate Bill No. 156

*Senate, April 12, 2012*

The Committee on Human Services reported through SEN. MUSTO of the 22nd Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

**AN ACT CONCERNING SIBLING VISITATION FOR CHILDREN IN THE CARE AND CUSTODY OF THE COMMISSIONER OF CHILDREN AND FAMILIES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-10a of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) The Commissioner of Children and Families shall ensure that a  
4 child placed in the care and custody of the commissioner pursuant to  
5 an order of temporary custody or an order of commitment is provided  
6 visitation with such child's parents and siblings, unless otherwise  
7 ordered by the court.

8 (b) The commissioner shall ensure that such child's visits with his or  
9 her parents shall occur as frequently as reasonably possible, based  
10 upon consideration of the best interests of the child, including the age  
11 and developmental level of the child, and shall be sufficient in number  
12 and duration to ensure continuation of the relationship.

13 (c) If such child has an existing relationship with a sibling and is  
14 separated from such sibling as a result of intervention by the  
15 commissioner including, but not limited to, placement in a foster home  
16 or in the home of a relative, the commissioner shall, based upon  
17 consideration of the best interests of the child, ensure that such child  
18 has access to and visitation rights with such sibling throughout the  
19 duration of such placement. The commissioner shall ensure that such  
20 child's visits with his or her sibling shall occur, on average, not less  
21 than once per week, unless the commissioner finds that the frequency  
22 of such visitation is not in the best interests of each sibling. In  
23 determining the number, frequency and duration of such visits, the  
24 commissioner shall consider the best interests of each sibling, given  
25 each child's age and developmental level and the continuation of the  
26 sibling relationship.

27 (d) The commissioner shall include in each child's plan of treatment  
28 information relating to the factors considered in making visitation  
29 determinations pursuant to this section. If the commissioner  
30 determines that such visits are not in the best interests of the child, that  
31 the occurrence of, on average, not less than one visit per week with his  
32 or her sibling is not in the best interests of each sibling, or that the  
33 number, frequency or duration of the visits requested by the child's  
34 attorney or guardian ad litem is not in the best interests of the child,  
35 the commissioner shall include the reasons for such determination in  
36 the child's plan of treatment.

37 (e) On or before October first of each year, the commissioner shall  
38 report, in accordance with the provisions of section 11-4a, to the select  
39 committee of the General Assembly having cognizance of matters  
40 relating to children, data sufficient to demonstrate compliance with  
41 subsections (a), (c) and (d) of this section.

42 Sec. 2. (NEW) (*Effective from passage*) (a) The Commissioner of  
43 Children and Families shall meet with the members of each branch of  
44 the Youth Advisory Board to gather recommendations for and to draft  
45 a "Sibling Bill of Rights", which may include, but is not limited to,

(b) The Department of Children and Families shall incorporate the final version of the Sibling Bill of Rights into department policy and share such policy with each child placed in the care and custody of the commissioner pursuant to an order of temporary custody or an order of commitment.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	17a-10a
Sec. 2	<i>from passage</i>	New section

Section 1(d) was rewritten to be consistent with the language in section 1(c) and section 2 was reordered for clarity.

**HS**      *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

## **OFA Fiscal Note**

### **State Impact:**

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Children & Families, Dept.	GF - Cost	None	3.0 million

Note: GF=General Fund

### **Municipal Impact:** None

### **Explanation**

There is a \$3.0 million cost in FY 14 to the Department of Children and Families (DCF) anticipated with the establishment, beginning 10/1/14, of minimum sibling visitation requirements of at least one visit per week for separated siblings placed in DCF care and custody, unless DCF determines such visits are not in the best interests of the child. This cost reflects expenses associated with case worker aide or social worker assisted transportation, mileage reimbursements, and travel costs. These costs vary based on where siblings reside.

Costs associated with siblings that reside within the state are estimated at \$61,000 for 9 months of FY 14.<sup>1</sup> Costs associated with out-of-state children placed within 50 miles of Connecticut are estimated at \$920,000 for 9 months of FY 14.<sup>2</sup> Costs associated with out-of-state

<sup>1</sup> This assumes two hours of case worker aide services at a mid-range cost of \$23.25 per hour (\$3,627 per child annually) and mileage reimbursement of \$0.51 per mile with an average weekly roundtrip travel of 40 miles (1,061 per child annual) and 35 separate siblings annually. As of December 2011, 91.8% of DCF siblings were placed together and it is anticipated that 95.0% will be placed together by 10/1/14 and approximately 35 separated siblings will require DCF transport and associated services.

<sup>2</sup> This assumes five hours of case worker aide services at a mid-range cost of \$23.25 per hour (\$6,045 per child annually) and mileage reimbursement of \$0.51 per mile with an average weekly roundtrip travel of 120 miles (\$3,182 per child annual) and 133 separate siblings annually. As of 3/1/12, of the 193 out-of-state DCF children, 133 children reside within 50 miles of Connecticut.

children placed beyond 50 miles of Connecticut, but that are still within the New England region, are estimated at \$392,000 for 9 months of FY 14.<sup>3</sup> Costs associated with out-of-state children that require air travel when visiting siblings are estimated at \$1.6 million for 9 months of FY 14.<sup>4</sup>

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of separated siblings and their locations.

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<sup>3</sup> This assumes 8 hours of case worker aide services at a mid-range cost of \$23.25 per hour (\$9,672 per child annually), 4 hours of case worker aide services at a mid-range at time and a half (\$7,254 per child annually), and mileage reimbursement of \$0.51 per mile with an average weekly roundtrip travel of 300 miles (\$7,956 per child annually). As of 3/1/12, of the 193 out-of-state DCF placements, 21 children reside beyond 50 miles of Connecticut, but within the New England region.

<sup>4</sup> As of 3/1/12, of the 39 out-of-state DCF children that would require air travel for sibling visitation, 36 are over 15 and could fly alone. The remaining three children would require an adult to travel with them. The travel cost for children over 15 for 9 months of FY 14 assumes weekly travel costs of \$700 for a total cost of \$983,000 for 36 children annually. The \$244,764 annual cost for the three children that must fly with an adult assumes weekly travel costs of \$1,300 for the child and their social worker and social worker services at a mid-range cost of \$33.0 per hour for 24 hours a week (\$124,000).

**OLR Bill Analysis****SB 156*****AN ACT CONCERNING SIBLING VISITATION FOR CHILDREN IN THE CARE AND CUSTODY OF THE COMMISSIONER OF CHILDREN AND FAMILIES.*****SUMMARY:**

This bill establishes minimum visitation requirements for separated siblings of children placed in Department of Children and Families (DCF) care and custody, including children in foster homes. Specifically, it requires the DCF commissioner to ensure that visits occur, on average, at least once a week, unless the commissioner determines that allowing such frequent visits would not be in the child's best interests. When the commissioner makes such a determination, the child's treatment plan must state the reasons for it.

The bill requires the commissioner to report by October 1 annually to the Select Committee on Children data sufficient to demonstrate DCF has complied with the entire sibling visitation law.

It also requires the DCF commissioner to meet with each branch of the Youth Advisory Board to get recommendations for creating a "Sibling Bill of Rights."

EFFECTIVE DATE: October 1, 2014, except for the Sibling Bill of Rights provision, which is effective upon passage.

**MINIMUM WEEKLY VISITS FOR SIBLINGS**

By law, DCF must ensure that a child placed in its care or custody either through an order of temporary custody or commitment is provided visits with his or her parents and siblings, unless the court orders otherwise.

If the child has an existing relationship with a sibling and is

separated from that sibling as a result of DCF intervening, including placing the child in a foster home or the home of a relative, DCF must ensure that the child has access to, and visitation rights with, that sibling, based on a consideration of the child's best interests. The bill requires the commissioner to ensure that these visits occur, on average, at least once a week unless the commissioner finds that this would not be in the best interests of each sibling.

If the DCF commissioner determines that the weekly visits are not in either sibling's best interest, the bill requires her to include the reasons for this determination in the child's treatment plan.

### **SIBLING BILL OF RIGHTS**

The bill requires the DCF commissioner to meet with the members of each branch of the Youth Advisory Board (YAB) to gather recommendations for and to draft a "Sibling Bill of Rights." This document can include (1) ways to protect relationships of siblings who are separated as a result of DCF intervention and (2) DCF affirming its commitment to preserve these relationships.

DCF must incorporate the final version of the bill of rights into departmental policy and share it with each child who is placed in the commissioner's care and custody. The DCF commissioner and the YAB members must also submit the bill of rights to the Select Committee on Children by October 1, 2013 for the committee to consider possible legislative action.

### **BACKGROUND**

#### ***Youth Advisory Board***

The YAB is composed of youth in DCF care. The board addresses DCF policies and procedures that affect them. Youth on the board also establish civic connections within their communities as they transition from out-of-home care.

### **COMMITTEE ACTION**

Select Committee on Children

Joint Favorable Change of Reference  
Yea 12 Nay 0 (03/06/2012)

Human Services Committee

Joint Favorable  
Yea 16 Nay 0 (03/22/2012)